REMARKS

Applicants have amended the specification to correct the informalities cited by the Examiner. Applicants respectfully request the Examiner's objection to the disclosure be withdrawn.

Claims 1-35 are pending; claims 1, 2, 9, 19, and 20 are independent.

Double Patenting Provisional Rejection

Claims 1-35 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting and being unpatentable over claims 1-35 of copending Application No. 09/349,423. Assignees Honda Giken Kogyo Kabushiki Kaisha and Regents of the University of California commonly own the two applications as indicated by copies of the supporting documents filed herewith. Applicants, therefore, submit a terminal disclaimer in compliance with 37 C.F.R § 1.321(c) to overcome the provisional rejection.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagami et al, United States patent 5,812,369 in view of Klein et al., United States patent 5,726,885. Applicants respectfully traverse these rejections.

As more fully explained below, the Tagami et al. document refers to a vehicle sharing system that differs fundamentally from Applicants' claimed system in the way that vehicles are selected. The Tagami document for example, refers to a vehicle sharing system in which the computer selects an available motor vehicle based on a user's *past usage* information (col. 8, lines 28-29). Tagami does not disclose, teach or suggest a vehicle sharing system wherein vehicle allocation is based on the user's anticipated travel.

Applicants' claimed system is superior to the system referred to in Tagami because, inter alia, a system that selects a vehicle for use based on a user's past usage will likely result in a situation whereby a vehicle is allocated to a user with an insufficient charge for the user's

intended use. A vehicle sharing system that considers the user's anticipated travel or intended vehicle use in the allocation process provides for a more appropriate vehicle selection, thereby greatly reducing the chance that a vehicle would run out of charge short of the user's intended destination. In addition, by allocating vehicles based on a user's intended use of the vehicle the vehicle allocation of the present invention system will more accurately predict the state of charge (for electric vehicles) that will be present when a vehicle is returned, thus enabling more efficient allocation of vehicles and charge facilities.

It is therefore apparent that Tagami does not teach or suggest a system in which a user's intended or expected use of the vehicle is considered in the allocation process, as in Applicants' claimed invention.

Turning now to the specific grounds for rejection, independent claims 1, 2, 9, 19, and 20, and the claims that depend from them stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tagami in view of Klein. Applicants respectfully traverse these rejections. Each of the rejected independent claims is limited to a vehicle allocation method or system that considers the user's expected use, as represented by the present invention's selection of a vehicle with a sufficient SOC to accommodate a user's travel request. For example:

> Claim 1 -- "selecting a group of vehicles having charge levels which are adequate for covering said expected distance of an intended trip ...."
>
> Claim 2 – "where each selected vehicle has an SOC sufficient to meet the travel request information from the user ...."
>
> Claim 9 -- "where each selected vehicle has an SOC sufficient to meet the travel request from the user ...."

Claim 19 -- "where each selected vehicle has a SOC sufficient to meet the travel request from the user ...."

Claim 20 -- "where each selected vehicle has an SOC sufficient to meet the travel request from the user ...."

The element of selecting a vehicle best equipped to handle the intended or expected needs, as presented as the user travel request, is explicit in the claims. This limitation is disclosed in Applicants' specification. "A determination is made of the total charge necessary to safely make the trip, based on the expected destination, additional distance and/or additional time information entered by the user." Page 12, lines 25-27. See also pages 10-12 of the specification for a more complete allocation disclosure.

According to the Examiner, Tagami discloses Applicants' invention, including the limitation that vehicles are allocated such that each selected vehicle has a SOC sufficient to meet the travel request from the user. Applicants' respectfully disagree. With respect to the "selection" limitation of independent claims 1, 2, 9, 19, and 20 cited above, the Examiner cites col. 3, lines 13-21, col. 5, lines 63-67 continue col. 6, lines 1-2, col. 8, lines 26-32. In each of the cited portions it is clear that Tagami only allocates a vehicle sufficient to meet the user's *past usage*. For example, Tagami states that "[t]he shared vehicle rental system selects available motor vehicles depending on the *past usage* by users ... [such that the] system selects a motor vehicle whose battery is not fully charged for a user whose *past traveled distance* is relatively short." Col. 8, lines 28-35. In another portion, "[s]ome of the available motor vehicles C have batteries that are not fully ... and fully charged. If the average traveled distance in the *past usage* recorded on the IC card of the user is relatively short, then the computer 60 selects, for the user, a motor vehicle C whose battery is not fully charged." Col. 5, line 63 to col. 6, line 2. Past usage is not the same as intended/expected usage. Thus, Tagami is in sharp contrast to the present invention, which selects a vehicle with a sufficient SOC charge to meet a user's travel request and includes information regarding the user's intended or expected use of the vehicle.

Vehicle allocation based on the intended or expected use of the vehicle allows for the more efficient allocation since it more accurately selects the appropriate vehicle. This is particularly important with the use of electric vehicles, which require specialized facilities for recharging. An example of the importance of this distinction is as follows: a user detour is accounted for in the allocation process in Applicants' present invention, however, a detour according to the Tagami disclosure could very well leave a user stranded after depleting the charge that was merely sufficient to meet his past usage need.

In addition, vehicle allocation based on intended use as in the present invention is not disclosed taught or suggested in Klein alone or in combination with Tagami. Klein refers to a hire vehicle system that merely allows a user to reserve in advance a desired vehicle based on particular preferences which are unassociated with the claims of the present invention. See col. 4, lines 35-37. Finally, the disclosure of "registration information," as used in Tagami, is solely to ensure that allocation is to a registered user, a security measure, it has no relevance to any of Applicants' claimed inventions. Col. 5, lines 46-62.

As demonstrated above, claims 1, 2, 9, 19, and 20 are patentable over Tagami because the cited document does not disclose, teach or suggest a vehicle allocation method that considers a user's intended use of the vehicle in the allocation process. Since the limitation said to be present is not in fact shown or suggested by the cited art, the claims cannot be rendered anticipated or obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claims 1, 2, 9, 19, and 20 as anticipated should be withdrawn.

The remaining claims rejected by the Examiner each depend from the independent claims listed above and, therefore, narrow their scope. As previously demonstrated, neither Tagami nor Klein (either alone or in combination), nor the arguments made by the Examiner teach or suggest a vehicle allocation system or method whereby a user's intended use is considered in the allocation of a vehicle. It follows, therefore, that since the limitations said to be present are not in fact shown, taught or suggested by the cited art, the claim cannot be rendered obvious by

teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of the dependent claims as obvious should be withdrawn.

Applicants respectfully submit that their claims are in condition for allowance, and request notice thereof. In addition, Applicants would like to inform the Examiner that the arguments presented in this Response to overcome the Tagami reference and the Tagami reference in view of Klein are essentially identical to the arguments presented in another pending application, Application No.09/348,803. Examiner Lieu, after considering said arguments, allowed the claims and Applicants received a Notice of Allowability on Application No. 09/348,803.

The Commissioner is hereby authorized to charge any additional fees to Deposit Account 131 241 or to credit any overpayment to the same for all matters during the prosecution of this application.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Substitute the paragraph beginning on page 5, line 12 with the following:

According to yet another aspect of the invention, a shared vehicle system and method involves allocating vehicles from a group of available vehicles and returning vehicles to the group upon detection of a parking state while the vehicle is located at a port. A port is a vehicle staging area where the vehicles may be parked prior to being allocated to a user. A typical port contains a user kiosk containing a computer terminal for interacting with the shared vehicle system. [Throught] **Throughout** this disclosure the term "kiosk" will be used to mean a kiosk with a user terminal. The terms kiosk and terminal shall be used interchangeably herein. In preferred embodiments, the detection of a parking state is accomplished by, for example, the detection of setting of the vehicle in a parking gear, the lack of motion of a vehicle for a period of time, the opening and/or closing of a vehicle door, or a combination of such events, each of which require no user interaction other than the typical actions taken to park a vehicle.

Substitute the paragraph beginning on page 6, line 17 with the following:

In one preferred embodiment that includes electrical vehicles within the shared vehicle group, a user is allocated a vehicle having the highest **(or N highest)** SOC within a vehicle search group of the vehicles having sufficient SOC to meet a user's needs. In another preferred embodiment, a user is allocated a vehicle having the second highest [(or Nth highest)] **(or N-1 highest)** SOC within a vehicle search group of vehicles having sufficient SOC to meet the user's needs, such that the highest [(or N-1 highest)] **(or Nth highest)** SOC vehicles may be reserved for users having travel needs which requiring a higher SOCs. In yet another preferred embodiment, the system or method has the ability to allocate the highest SOC vehicle, depending upon other criteria, such as the time of day or day of the week. Thus, for a certain time period of the day and/or day of the week (for example between 7:00 a.m. and 9:00 a.m. on Monday through Friday) the system or

method may allocate the highest SOC vehicle in the vehicle search group is allocated to a user, while at other times of the day and/or days of the week, the Nth highest SOC vehicle is allocated to a user.